

Minimum Criteria *Permanent Rules*

(State Funded Activities)

Our Objective Today....

**EPPC approval to begin the Minimum Criteria
Permanent Rule-making process**

If approved by EPPC, tomorrow's goal is.....

**Presentation to full Board for approval to begin
the Permanent Rule-making process effective
May 2, 2002**

What has been done?...

Since the approval of the Temporary Rules by the BOT on January 10, 2002, the following has occurred:

- The State Environmental Clearinghouse has reviewed the rules and received public and agency comments.**
- From these comments we have made a few changes to the rules.**
- With the revisions in place, the State Environmental Clearinghouse approved the rules on April 30, 2002.**

Summary of Changes to the Temporary Rules since January approval

- **The term “repair” has been added to .0102(12) to more accurately characterize the intent of this section**
- **Staff from the Rail Division asked that “or future railroad development” be added to .0102(20) and that .0102(24) be deleted as redundant**
- **.0102(29) was added upon DENR’s suggestion, in the place of proposed paragraph .0102(b) that was discussed in January-
(b) read as follows:**

02F.0102(b) Additional actions at and below the threshold of activities at which NCEPA environmental documentation is required, not specifically listed under section (a) above, shall be minimum criteria activities, but only after the Department determines, through documentation, that the specific activity will have no adverse significant impact on the environment.

To be replaced with....

.0102(29) Other activities, not specifically described above, involving maintenance or repair needed to maintain the original function of an existing project or facility without expansion or change in use; sampling, monitoring and related data-gathering activities; and minor construction or land-disturbing activities that impact less than five acres.

Lastly....

- **Paragraph .0103(1) was amended upon DENR's suggestion to include reference to “surface waters such as rivers, streams and estuaries.”**

Approval by the BOT signifies the beginning of the rule making process...

- **Receive public comments for 30 days**
- **Public hearing(s) will be held**
- **Comments will be reviewed and the document revised as necessary**

Once the document has been reviewed and revised as needed, the BOT must then vote to adopt the permanent rules before they can be sent to the Rules Review Commission. The proposed earliest effective date for the rules is **April 1, 2003.**

